

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

**MAR 24 2006**

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

NICOLAE GROZAVU,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 04-74522

Agency No. A79-661-624

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted March 10, 2006\*\*  
Portland, Oregon

Before: BRUNETTI, TASHIMA, and PAEZ, Circuit Judges.

Nicolae Grozavu (“Grozavu”) petitions for review of a decision of the Board of Immigration Appeals (“BIA”) affirming an Immigration Judge’s (“IJ”) denial of his requests for asylum, withholding of removal, and protection under the

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Cir. R. 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Convention Against Torture (“CAT”). Because Grozavu failed to appeal the IJ’s denial of his CAT claim to the BIA, we lack jurisdiction over this claim. 8 U.S.C. § 1252(d)(1). We do, however, have jurisdiction over Grozavu’s asylum and withholding of removal claims pursuant to 8 U.S.C. § 1252(a). We dismiss the petition in part and deny the petition in part.

Where the BIA adopts and affirms the decision of the IJ, “we review the IJ’s decision as if it were that of the BIA.” *Abebe v. Gonzales*, 432 F.3d 1037, 1039 (9th Cir. 2005) (internal quotation marks omitted). The BIA adopted and affirmed all of the IJ’s findings, except for his credibility findings. Therefore, we review for substantial evidence the IJ’s decision that Grozavu was not eligible for asylum or withholding of removal. *Id.*, *Singh v. INS*, 134 F.3d 962, 966 (9th Cir. 1998). Although Grozavu’s physical assault and death threats rose to the level of persecution, *see Chand v. INS*, 222 F.3d 1066, 1073-74 (9th Cir. 2000); *Navas v. INS*, 217 F.3d 646, 658 (9th Cir. 2000), substantial evidence supports the BIA’s conclusion that he was not persecuted on account of a protected ground. Grozavu argues that he was persecuted based on his political opinion. Grozavu, however, exposed a school principal’s misbehavior, not corruption “inextricably intertwined with governmental operation,” and Grozavu’s actions were directed not “toward a governing institution,” but “only against [an] individual[] whose corruption was

aberrational.” *Grava v. INS*, 205 F.3d 1177, 1181 (9th Cir. 2000). Therefore, Grozavu’s allegations do not amount to exposure of government corruption sufficient to constitute a political opinion. *Id.* As the IJ stated, Grozavu experienced “personal retaliation where the person is a person of influence,” not persecution on account of political opinion. In sum, substantial evidence supports the IJ’s determination, which was adopted by the BIA, that Grozavu did not qualify for asylum or withholding of removal.

**DISMISSED in part; DENIED in part.**